

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:22-cr-00097

RANDY PRICE

**RESPONSE TO DEFENDANT’S MOTION TO SUPPRESS
ON FIFTH AMENDMENT GROUNDS**

While the United State does not concede that Defendant Randy Price’s (“Price”) statements as further outlined in his Motion to Suppress (ECF No. 26) were taken in violation of *Miranda*, the United States does not intend to introduce Price’s statements at his trial. However, if Price testifies, the United States reserves the right to use any of his statements pursuant to Fed. R. Crim. P. 609. *See Harris v. New York*, 401 U.S. 222, 224-26 (1971) (defendant’s statements regarding heroin sales for which he was charged, which were obtained without Miranda warnings, were admissible to impeach defendant’s testimony on direct that gave different account of his involvement).

Respectfully submitted,

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CERTIFICATE OF SERVICE

It is hereby certified that the foregoing “RESPONSE OF THE UNITED STATES TO DEFENDANT’S MOTION TO SUPPRESS ON FIFTH AMENDMENT GROUNDS” has been electronically filed and service has been made on all counsel of record this the 19th day of September, 2022 upon:

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